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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 TONY RAMIREZ,

13
14 Plaintiff,

15 vs.

16 MARATHON PATENT GROUP INC.,
17 DOUG CROXALL, EDWARD KOVALIK,
18 CHRISTOPHER ROBICHAUD,
19 RICHARD TYLER, AND RICHARD
20 CHERNICOFF,

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22 Defendants.
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) Case No. 18-cv-06309 FMO(PLAx)

)
) **NOTICE OF VOLUNTARY**
) **DISMISSAL**

NOTICE OF VOLUNTARY DISMISSAL

WHEREAS, on July 20, 2018, Plaintiff initiated the above-captioned action (the “Action”) by filing a complaint (the “Complaint”) against defendants Marathon Patent Group Inc. (“Marathon”), Doug Croxall, Edward Kovalik, Christopher Robichaud, Richard Tyler, AND Richard Chernicoff (collectively, the “Defendants”);

WHEREAS, no class of Marathon shareholders has been certified, and thus, the dismissal of this Action will not prejudice the interests of other Marathon shareholders;

WHEREAS, no defendant in this Action has answered the Complaint or filed for summary judgment.

NOW, THEREFORE, Notice is hereby given that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Tony Ramirez (“Plaintiff”) hereby voluntarily dismisses this Action with prejudice. Federal Rule of Civil Procedure 41 allows plaintiffs to voluntarily dismiss an action without court order, subject to Rule 23(e) and any applicable federal statute, by notice of dismissal “before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Voluntary dismissal without Court order is appropriate here because there is not a certified class under Rule 23, and Defendants have not filed an answer or a motion for summary judgment. *See* Fed. R. Civ. P. 23(e).

ACCORDINGLY, Plaintiff states as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff voluntarily dismisses the Action; and

2. The Action shall be dismissed with prejudice as to Plaintiff only.

1 Dated: December 17, 2018

LEVI & KORSINSKY, LLP

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3 By: /s/ William J. Fields

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